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Laws of Michigan concerning the solemniz

LAWS OF MICHIGAN

ORGANIZATION OF MARRIAGES.

RECORD AND RETURN

DURING MARRIAGES, AND DEATHS.

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LAWS OF MICHIGAN  
CONCERNING THE  
SOLEMNIZATION OF MARRIAGES,  
AND THE  
RECORD AND RETURN  
OF  
BIRTHS, MARRIAGES, AND DEATHS.

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## CHAP. CLXIX., COMPILED LAWS OF 1871.

### MARRIAGE AND THE SOLEMNIZATION THEREOF.

#### SECTION.

4719. Who shall be capable of contracting

Marriage.

4720. Marriage is a civil contract.

4721. Who shall not intermarry.

4722. 4724. Who not to Marry.

4725. Marriage, by whom solemnized.

4726. One of parties to be examined on oath.

#### SECTION.

4727. No particular form required.

4728. Forfeiture for joining persons in Marriage contrary to law.

4729. Punishment of persons unauthorized etc.

4730. Marriages not void in certain cases.

4731. Marriages among Quakers, etc.

4732. Certificates and record made evidence,

#### Chapter Eighty-three of Revised Statutes of 1846. a

(4719.) SECTION 1. Every male who shall have attained the full age of eighteen years, and every female who shall have attained the full age of sixteen years, shall be capable in law of contracting marriage, if otherwise competent.

(4720.) Sec. 2. Marriage, so far as its validity in law is concerned, is a civil contract, to which the consent of parties capable in law of contracting is essential.

(4721.) Sec. 3. No man shall marry his mother, grandmother, daughter, grand-daughter, stepmother, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's grand-daughter, nor his sister, brother's daughter, sister's daughter, father's sister, or mother's sister.

(4722.) Sec. 4. No woman shall marry her father, grandfather, son, grandson, stepfather, grandmother's husband,

<sup>a</sup> For prior Statutes relative to the solemnization of Marriages, see Woodward Code, p. 42; Cass Code, p. 111; Code of 1820, p. 259; Rev. of 1827, p. 280; Laws of 1832, p. 6; Rev. of 1838, p. 390; R. S. of 1838, p. 333.

daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, nor her brother, brother's son, sister's son, father's brother, or mother's brother.

(4723.) Sec. 5. No marriage shall be contracted whilst either of the parties has a former wife or husband living, unless the marriage with such former wife or husband shall have been dissolved.

(4724.) Sec. 6. No white person shall intermarry with a negro, and no insane person or idiot shall be capable of contracting marriage.

(4725.) Sec. 7. Marriages may be solemnized by any justice of the peace in the county in which he is chosen; and they may be solemnized throughout the State by any minister of the gospel, who has been ordained according to the usages of his denomination, and who resides in this State, and continues to be a preacher of the gospel. *a*

(4726.) Sec. 8. All justices of the peace and ministers of the gospel are hereby authorized and required, before solemnizing any marriage, to examine at least one of the parties on oath, which oath they are hereby authorized to administer, as to the legality of such intended marriage.

(4727.) Sec. 9. In the solemnization of marriages, no particular form shall be required, except that the parties shall solemnly declare, in the presence of the magistrate or minister, and the attending witnesses, that they take each other as husband and wife; and in every case there shall be at least two witnesses, besides the minister or magistrate, present at the ceremony.

Sec. 10. *b*

Sec. 11. *b*

Sec. 12. *b*

Sec. 13. *b*

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*a* The Mayor of Flint is also authorized to solemnize the marriage ceremony.—  
Laws of 1857, p. 86, Sec. 8.

*b* Repealed by Act 194, Laws of 1867, p. 268, Sec. 10.

(4728.) Sec. 14. If any justice of the peace or minister of the gospel shall join any person in marriage contrary to the provisions of this chapter, he shall forfeit for every such offense a sum not exceeding five hundred dollars.

(4729.) Sec. 15. If any person shall undertake to join others in marriage, knowing that he is not lawfully authorized so to do, or knowing of any legal impediment to the proposed marriage, he shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by a fine not less than fifty nor more than five hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

(4730.) Sec. 16. No marriage solemnized before any person professing to be a justice of the peace or a minister of the gospel, shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected, on account of any want of jurisdiction or authority in such supposed Justice or minister: *Provided*, The marriage be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

(4731.) Sec. 17. The preceding provisions of this chapter, so far as they relate to the manner of solemnizing marriages, shall not affect marriages among the people called Friends or Quakers; nor marriages among people of any other particular denomination having, as such, any peculiar mode of solemnizing marriages; but such marriages may be solemnized in the manner heretofore used and practiced in their respective societies or denominations.

(4732.) Sec. 18. The original certificates and records of marriage made by the minister or justice, as prescribed in this chapter, and the record thereof made by the county clerk, or a copy of such record duly certified by such clerk, shall be received in all courts and places as presumptive evidence of the fact of such marriage.



# AN ACT

TO PROVIDE FOR THE

## REGISTRATION OF BIRTHS, MARRIAGES, AND DEATHS.

BEING ACT No. 194 OF 1867, AS AMENDED BY ACT No. 125 OF 1869.

Duties of supervisor and assessors.

In 1869 returns to be made from April 5 to Dec. 31, 1868

Return to county clerk

In 1870 and thereafter.

Returns to include from January to December last preceding. Statistics, how obtained.

SECTION 1. *The People of the State of Michigan enact, That* it shall be the duty of the supervisor of each township, and the supervisor or assessor of any city or ward therein, in this State, between the tenth day of April and the first day of June, in the year eighteen hundred and sixty-nine, to ascertain, by actual inquiry or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities, or wards, from and including April fifth, eighteen hundred and sixty-eight, to and including December thirty-first, eighteen hundred and sixty-eight, together with the facts relative thereto, as are hereinafter provided for, and shall make an accurate return thereof to the clerk of the county in which such township or city is situated, on or before the first said day of June; and for such service shall receive ten cents for each birth and death so returned by them, to be paid by the county in which such returns are made. In the year eighteen hundred and seventy, and in each and every year thereafter, it shall be the duty of the officers above mentioned, between the tenth day of April and the first day of June, to ascertain by actual inquiry or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities, or wards, during the year ending on the last day of the

preceding December, and shall make the return, and receive therefor the compensation above provided for: *Provided*, That in the city of Detroit, the duties required by this act to be performed by supervisors and assessors shall be performed by persons appointed by the common council for that purpose; and it shall be the duty of the common council, on or before the tenth day of April, in each year, to appoint such number of persons in each ward of said city, as shall be necessary to perform said duties within the time limited by this act; and such persons shall possess all the authority conferred upon, and perform all the duties required of supervisors and assessors, by this act, within the territory assigned them respectively, by the common council, and shall receive such compensation for their services, not exceeding the sum allowed by this act to supervisors and assessors, as shall be fixed by the common council, to be paid by the county of Wayne, and shall be liable to the same penalties for refusal or neglect to perform any of said duties.

Compensation. Provision relative to the city of Detroit.

Duty of common council.

Persons to be appointed by.

Compensation of persons so appointed.

How paid.

Penalties.

SEC. 2. Every justice of the peace, minister of the gospel, and all other persons authorized by law to solemnize marriages in this State, shall make a record of each marriage so solemnized by him, and every clerk or keeper of the records of the meetings in which any marriage among the Friends or Quakers shall be solemnized, shall make a record of such marriage, together with all the facts relating to the same, as required by the third section of this act; and such justice, minister of the gospel, clerk, or other person, shall, at the time such marriage is solemnized, deliver, on demand, to either of the parties so joined in marriage, as aforesaid, a certificate of such marriage, containing all the facts in relation thereto, required by said third section of this act, and shall, within ninety days thereafter deliver to the clerk of the county in which such marriage took place, a certified copy of such record, and, at the same time, pay to the clerk twenty-five cents for recording the same.

Marriages to be recorded.

Marriage of Quakers.

Certificates to be furnished.

Fee for recording.

County  
clerks; du-  
ties of.

Births, mar-  
riages and  
deaths to be  
numbered  
and indexed

Record of  
births shall  
state.

Proviso.

Record of  
marriages  
shall state.

Record of  
deaths shall  
state.

SEC. 3. It shall be the duty of the county clerks of the several counties in this State, on receiving the returns of such births, marriages and deaths, to record the same at length in separate books, to be provided at the expense of the State by the Secretary of State, for that purpose, with proper indexes thereto. The births, marriages and deaths shall be numbered and recorded in the order in which they are received by the clerk, and the record of marriages shall be indexed, using both the name of the bridegroom and bride. The record of births shall state, in separate columns, the date of the birth, the name of the child (if it have any), the sex and color of the child, the place of birth, the christian and surname of both parents, the residence and nativity of the parents, the occupation of the father, and the date when the record was made: *Provided*, That in case the child has no christian name, such name shall be obtained and reported to the county clerk in the next annual report of the supervisor or assessor, and such christian name shall be distinctly designated in such report as the christian name belonging to a child previously reported, and shall be properly entered by said county clerk, in the blank left for such christian name in his book of record; and it shall be the duty of the several county clerks, on or before the tenth day of April in each year, to give to the officers required to make the said returns, lists of such children whose christian names have not been previously reported in their respective towns, cities or wards. The record of marriages shall state, in separate columns, the date and place of marriage, the christian and surname of the bridegroom and bride, and the maiden name of the bride, if a widow, the color, age and place of birth of each, the residence of each at the time of marriage, the occupation of the bridegroom, and the name and official station of the person by or before whom they were married, the names and residences of at least two witnesses present at such marriage, and the date when such record was made. The record of deaths shall state, in separate columns, the date of the death, the

christian and surname of the deceased, the sex and color, whether married or single, the age in years, months, and days, the place of death, the disease or apparent cause of death, the nativity of the deceased, and the occupation, if any, and the names, residence of the parents, if known, and the date when such record was made. The clerks of the several counties shall annually, on or before the first day of September, make and transmit to the Secretary of State, a certified copy of the records in his office, of all the births, marriages and deaths reported in their respective counties for the year ending December thirty-first, last preceding. And each county clerk shall receive for the record of each birth and death in his office three cents, and three cents for each birth, marriage, and death returned by him to the Secretary of State, to be paid by the county, and shall be compensation in full for all services required by this act to be performed by him.

Return of  
county clerk.

Compensa-  
tion.

SEC. 4. The Secretary of State shall prepare and furnish to the county clerks of the several counties in this State, blank books of suitable quality and size, with proper rulings and headings, to be used as books of record in carrying into effect the provisions of this act. He shall also prepare and furnish blank "forms of returns," as hereinbefore specified, accompanied with such instructions and explanations as may be necessary to insure uniformity in such returns, which blanks shall be forwarded to the several county clerks on or before the first day of March in each year; and the said county clerks shall deliver the same to the supervisors or assessors of the several townships, cities, or wards therein, in their respective counties, on or before the tenth day of April.

Secretary of  
State; duties  
of.

SEC. 5. It shall be the duty of the Secretary of State to receive the returns made in pursuance of the third section of this act, and he shall cause the same for each year to be bound together, in one or more volumes, at the expense of the State, and make indexes thereto; and with such assistance as may be voluntarily rendered by any authorized committee appointed

Bound vol-  
umes of re-  
ports.

Secretary of State's report to Governor. by the medical faculty of the University of Michigan, or by any regularly authorized medical society in this State for that purpose, he shall prepare such tabular statements, results, and deductions therefrom as will render them of practical utility, and make report thereof, annually, to the Governor of the State, which report may be ordered published and distributed in such manner as the Legislature may from time to time direct.

Neglect to keep records.

Neglect to deliver certificates.

Penalty.

Certificate of death.

SEC. 6. Every justice of the peace, minister of the gospel, and all other persons authorized by the laws of this State to solemnize marriages, and clerks or keepers of records of the meetings in which any marriage among the Friends or Quakers shall be solemnized, who shall neglect or refuse to make a record of such marriage, or to deliver to the county clerk of the county in which the marriage took place, a certified copy of such record, or who shall refuse, on demand, to deliver to the parties to such marriage the certificate thereof, as required by section two of this act, or who shall willfully make a false or fictitious entry in his record of marriages, or in the certified copy of such record delivered to the county clerk, or in the certificates of marriages delivered to the parties thereto, shall be deemed guilty of misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding one hundred dollars, and in default of paying the same, shall be imprisoned in the county jail of the county in which such conviction shall be had, until said fine be paid, but not to exceed the period of ninety days.

SEC. 7. Every physician, surgeon, or midwife, who shall have been in attendance upon any deceased person, shall, upon application of any supervisor or assessor of the township, city, or any ward thereof, in which such death occurred, make out and deliver to such supervisor or assessor a certified statement, without fee, containing the name of the disease, or cause (if known), producing the death of such person; and any medical attendant who shall neglect or refuse to give such state-

ment, or who shall willfully make a false statement in relation to such death, shall, for such offense, be liable to pay a fine of not less than ten nor more than fifty dollars, and the costs of prosecution, which fine the said supervisor or assessor is hereby required to sue for and collect, in his official character.

Refusal to  
make certifi-  
cate.

Penalty.

SEC. 8. It shall be the duty of each supervisor or assessor to obtain the facts in relation to births and deaths within his township, city, or any ward therein (not otherwise obtained), from the heads of families, the keepers, overseers or superintendents of asylums, hospitals, jails, prisons, workhouses, almshouses, houses of correction, and similar institutions, the keepers of hotels, public and private boarding-houses, and the masters or chief officers of steamboats and sail-vessels navigating any of the waters of this State, and touching at any port of entry therein, in which such births or deaths occurred; and if either of the above named persons shall refuse to give such information, then the same shall be obtained by such supervisor or assessor from any person having a knowledge of the facts in relation to such birth or death; and if the supervisor or assessor shall have reason to believe that any person or persons willfully misrepresented or concealed any facts relative to such birth or death in his township, city, or any ward therein, which he cannot otherwise obtain, he may examine such person or persons on oath (which oath such supervisor or assessor is hereby empowered and authorized to administer) in relation to any birth or death within his township, city, or any ward therein, of which such person or persons may have any knowledge or information; and, if any person, after being duly subpoenaed (as provided for compelling the attendance of witnesses in justices' courts) by such supervisor or assessor, for the purposes aforesaid, shall neglect or refuse to appear before such officer, or, appearing, shall refuse to be sworn and testify in relation to such matter, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished therefor by fine not exceeding fifty dollars, and in default of paying the same shall be imprisoned in the county jail of the

Facts to be  
obtained by  
supervisor.

Refusal to  
furnish.

Obtained  
under oath.

Neglecting  
to answer a  
subpoena.

Penalty.

county in which such conviction shall be had, until said fine be paid, but not exceeding ninety days; and any person who, after being duly sworn as aforesaid, shall willfully make any false statement in relation to any birth or death, about which he is required to testify, shall be deemed guilty of willful and corrupt perjury: *Provided*, That no person shall be required to answer any question which will tend to criminate himself or herself upon any such examination.

**Perjury.** **Proviso.** **Neglect to perform duties.** **Penalty.** **Misdemeanor.**

SEC. 9. In case of the refusal or neglect by any of the officers mentioned in this act, to perform any of the duties hereinbefore required of them or either of them, to be done and performed by any of the provisions herein contained, such officer shall be liable to a fine not to exceed one hundred dollars, and the costs of prosecution; and the prosecuting attorney in each county is hereby required to prosecute, in the name of the people of the State of Michigan, all persons in his county who shall willfully violate any of the provisions of this act; and the said supervisor or assessors of any township, city, or any ward therein, may be prosecuted for a misdemeanor under this section, and upon conviction, punished as therein provided for.

**Sections repealed.**

SEC. 10. Sections three thousand two hundred and thirteen, three thousand two hundred and fourteen, three thousand two hundred and fifteen, and three thousand two hundred and sixteen, of the compiled laws of eighteen hundred and fifty-seven, be and the same are hereby repealed.

SEC. 11. The several supervisors and assessors of the townships, villages, and cities in this State, who have made any returns of births and deaths to the county clerk of their respective counties for the year eighteen hundred and sixty-eight, and have not received the amount of compensation as provided for in this act, shall be paid therefor at rates set forth in the preceding sections. And such county clerks as have made returns of the births, marriages and deaths to the Secretary of State for the year eighteen hundred and sixty-eight, and who have not received compensation therefor, shall be paid for the same at the rates set forth in the preceding sections.





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